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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/743,881      | 12/24/2003  | James Zhuge          | 87421.1520          | 9358             |

7590 11/28/2006

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WASHINGTON, DC 20036

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| EXAMINER |
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WORJLOH, JALATEE

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3621

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/743,881

Applicant(s)

ZHUGE ET AL.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. Claims 1-21 have been examined.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6169976 to Colosso in view of US Publication No. 2002/0049679 to Russell et al.

Colosso discloses receiving a license key (i.e. "key information") that has information regarding software configuration (i.e. "license level"), license key transaction history (i.e. "historical data") and license key warranty period (i.e. "maximum permit extent of use of the licensed product"), determining a software configuration from the license key (see abstract, fig. 5 and col. 5, lines 4-17 – the customer connects to the database through a server and requests the licensed product to be activated, providing the information that describes the transaction in its request. In response, the server of the licensor generates encrypted key information that uniquely identifies the customer, the licensed product, and a license level or other information about the maximum permitted extent of use of the licensed product. The customer installs the licensed product and provides the key information during installation process. The licensed product is then executed and the appropriate license level is enforced based on the key information), determining if the software configuration is within the license key warranty period, enabling the

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software with a time stamp based on the license warranty period (see col. 9, lines 46-58).

Colosso does not expressly disclose the license key includes the hardware and enabling the software with a time stamp based on the hardware configuration. Russell et al. disclose the license key includes the hardware and enabling the software with a time stamp based on the hardware configuration (see abstract - the license comprises a desired rental model, an expiration date for the rental model, information identifying the user's network-enabled device (UND) and paragraphs [0086] & [0087]—When a license is requested by a user, the application server will pass to the license generator information about the DRM versions that are not authorized to play the requested content. IF the user attempts to play the content on a UND with an unauthorized version of the DRM, it will be detected and viewing of the content will be inhibited.). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Colosso to include the license key includes the hardware and enabling the software with a time stamp based on the hardware configuration. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized use of the content (see Russell et al. paragraph [0008]).

Referring to claims 2 and 3, Colosso discloses the warranty period indicates a time when new versions of software are not operational and the warranty period indicates a time when the software ceases to be operational (i.e. “maximum permit extent of use of the licensed product” – after the maximum has been reached the software is not authorized for usage) (see claim 1 above).

Referring to claim 4, Colosso discloses the license key (see claim 1 above). Colosso does not expressly disclose the information regarding hardware configuration from the license key

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includes a hardware serial number. Russell et al. disclose the information regarding hardware configuration from the license key includes a hardware serial number (see abstract – ID of network enabled device). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Colosso to include a hardware serial number. One of ordinary skill in the art would have been motivated to do this because provides an additional level of security thereby preventing unauthorized use of the content (see Russell et al. paragraph [0008]).

Referring to claims 5 and 6, Colosso discloses the enabling step is further based on the information regarding the license key transaction history from the license key and the license key is encrypted (see claim 1 above).

Referring to claim 7, Colosso discloses a license key. Colosso does not expressly disclose determining a hardware configuration. Russell et al. disclose determining a hardware configuration (see claim 4 above). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Colosso to include the step of determining a hardware configuration. One of ordinary skill in the art would have been motivated to do this because provides an additional level of security thereby preventing unauthorized use of the content (see Russell et al. paragraph [0008]).

Claims 1-14 are system claims that perform the steps of claims 1-7 above; therefore, these claims are rejected on the same rationale as claims 1-7 above.

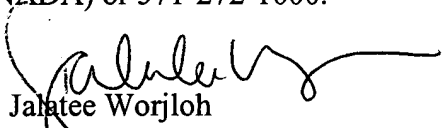
Claims 15-21 are devices that perform the steps of claims 1-7 above; therefore, these claims are rejected on the same rationale as claims 1-7 above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jalatee Worjloh  
Patent Examiner  
Art Unit 3621

November 22, 2006